

Applicant's amendment dated September 12, 2008, has been fully considered.

Applicant argued the provisional application 60/395,359 does not teach all the subject matter used in the rejection. The Examiner strongly disagrees. The drawings in SN 60/395,359 clearly disclose the pressure plate with pump and base attached to the seabed. Page 1 of the specification in SN 60/395,359 clearly discloses the concept of  $D/L = 1/2$ , this is clearly under water. Page 4 of the specification discloses the concept of multiple units. These are the critical concepts that are used to reject the claims of this application.

Applicant argued the electricity generating function. Please note that the claims before did not narrow down to only electricity generation, but other forms of energies as well. Therefore, a new ground of rejection has been made and this Office Action has been made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 7023104 (Kobashikawa et al) in view of U.S. 4001597 (Graff). Kobashikawa et al discloses an impulse-type motor of a power plant being located at the water depth with

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the ratio D/L approximately 1/2; the abstract discloses the system can be used to produce works, the base of the motor is attached to the base of the water base; the motor in Kobashikawa et al can be considered as piston pump. Also, as noted above, the drawings in SN 60/395,359 clearly disclose the pressure plate with pump and base attached to the seabed. Page 1 of the specification in SN 60/395,359 clearly discloses the concept of  $D/L = 1/2$ , this is clearly under water. Page 4 of the specification discloses the concept of multiple units. Kobashikawa et al does not disclose the output of the pump is used to drive a turbine to generate electricity. Graff is relied upon to disclose many pumping units each includes a pressure plate 23, piston-cylinder assembly for pumping fluid to a pipe (this can be considered transfer equipment as claimed), the fluid is then used to drive a turbine 5 to generate electricity through generator 1. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize the pumping units in Kobashikawa et al to drive a turbine for the purpose of generating electricity. Regarding claims 20, 25, it would have been obvious to provide electric line to any device above the water or outside of the power plant in order to distribute electricity to different locations.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang M Nguyen/  
Primary Examiner, Art Unit 3748

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PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
10/22/2008

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